## 1999 DRAFTING REQUEST

#### Bill

| Received: 08/23/1999   |                       |                       | Received By: grantpr |                   |   |                          |          |  |
|--|-----------------------|-----------------------|----------------------|-------------------|---|--------------------------|----------|--|
| Wanted: As time permits  |                       |                       |                      | Identical to LRB: |   |                          |          |  |
| For: Luther Olsen (608) 266-8077  This file may be shown to any legislator: NO |                       |                       |                      |                   | By/Representing: Jane Henkel Drafter: grantpr |                          |          |  |
|  |                       |                       |                      |                   |   |                          |          |  |
| May Cor  | May Contact:          |                       |                      |                   | Alt. Drafters:                                |                          |          |  |
| Subject:   | Educati               | ion - school bo       | ards                 |                   | Extra Copies:                                 | MJL                      |          |  |
| Pre Top  | ic:                   |                       |                      |                   |   |                          |          |  |
| No speci   | fic pre topic gi      | ven                   |                      |                   |   |                          |          |  |
| Topic:   |                       |                       |                      | ,                 |   |                          |          |  |
| Reinstate  | ement condition       | ns for expelled       | pupils               |                   |   |                          |          |  |
| Instruct   | tions:                |                       |                      |                   |   | <del></del>              |          |  |
| See Atta   | ched                  |                       |                      |                   |   |                          |          |  |
| Drafting   | g History:            |                       |                      | ···               | ***************************************       |                          |          |  |
| Vers.  | <u>Drafted</u>        | Reviewed              | Typed                | Proofed           | Submitted                                     | <u>Jacketed</u>          | Required |  |
| /P1  | grantpr<br>08/27/1999 | jgeller<br>08/31/1999 |                      |                   |   |                          |          |  |
| /1   | 107720                |                       | martykr<br>09/01/19  | 99                | lrb_docadmin<br>09/01/1999                    | lrb_docadn<br>09/02/1999 |          |  |
| FE Sent  | For: <b>09/01/199</b> | 9.                    |                      |                   |   |                          |          |  |
|  | 7/1                   | 1                     |                      | <end></end>       |   |                          |          |  |

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| Wanted: As time permits |                       |                       |                     | Identical to LRB: |                              |                 |                 |  |
| For: Lut                | her Olsen (60         | 08) 266-8077          |                     |                   | By/Representing: Jane Henkel |                 |                 |  |
| This file               | may be shown          | to any legislate      | or: NO              |                   | Drafter: grantpr             |                 |                 |  |
| May Cor                 | ntact:                |                       |                     |                   | Alt. Drafters:               |                 |                 |  |
| Subject:                | Educati               | ion - school bo       | ards                |                   | Extra Copies:                | MJL             |                 |  |
| Pre Top                 |                       |                       |                     |                   | 2                            | •               |                 |  |
|                         | fic pre topic gi      | ven                   |                     |                   |                              |                 |                 |  |
| Topic: Reinstate        | ement condition       | ns for expelled       | pupils              |                   |                              |                 |                 |  |
| Instruct                | ions:                 |                       | ,                   |                   |                              |                 |                 |  |
| See Atta                | ched                  |                       |                     |                   |                              |                 |                 |  |
| Drafting                | g History:            |                       |                     |                   |                              |                 |                 |  |
| Vers.                   | Drafted               | Reviewed              | <u>Typed</u>        | Proofed           | Submitted                    | <u>Jacketed</u> | <u>Required</u> |  |
| /P1                     | grantpr<br>08/27/1999 | jgeller<br>08/31/1999 |                     |                   |                              |                 |                 |  |
| /1                      |                       |                       | martykr<br>09/01/19 | 99                | lrb_docadmin<br>09/01/1999   |                 | S&L             |  |
| FE Sent                 | For: 01.00            | reaves                | lar er              | <end></end>       |                              |                 |                 |  |

#### 1999 DRAFTING REQUEST

Bill

Received By: grantpr

Wanted: As time permits

Identical to LRB:

For: Luther Olsen (608) 266-8077

By/Representing: Jane Henkel

This file may be shown to any legislator: NO

Drafter: grantpr

May Contact:

Alt. Drafters:

Subject:

**Education - school boards** 

Extra Copies:

MJL

**Pre Topic:** 

No specific pre topic given

**Topic:** 

Reinstatement conditions for expelled pupils

**Instructions:** 

See Attached

**Drafting History:** 

Vers.

**Drafted** 

Reviewed

**Typed** 

Proofed

Submitted

**Jacketed** 

Required

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grantpr

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<END>

FE Sent For:

Expulsions: Conditional Early Reinstatement WLCS: 0188/2

JRH:rv:ksm;ksm;jal

08/19/1999

AN ACT to create 119.25 (2) (d) and 120.13 (1) (h) of the statutes; relating to: the conditional early reinstatement to school of a pupil who has been expelled from school.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

LEGISLATIVE COUNCIL STAFF PREFATORY NOTE: This draft authorizes a school board, or independent hearing panel or independent hearing officer authorized by the school board to make expulsion decisions, to impose one or more early reinstatement conditions under which a pupil who is expelled from school may be reinstated to school prior to the end of the term or his or her expulsion. An early reinstatement condition may be: (1) a condition that a pupil is required to meet before he or she will be granted early reinstatement; or (2) a condition that a pupil is required to meet after his or her early reinstatement but before the end of the term of the expulsion specified in the pupil's expulsion order. The early reinstatement conditions must be related to the reasons for the pupil's expulsion and specified in the expulsion order.

The determination by an independent hearing panel or independent hearing officer regarding whether a reinstatement condition is related to the reasons for the pupil's expulsion may be appealed to the school board. The school board's decision regarding that determination is final.

If the school district administrator or his or her designee, who must be someone other than a principal, administrator or teacher in the pupil's school, determines that a pupil has met the early reinstatement conditions that he or she must meet before being granted early reinstatement, the school district administrator or designee may grant the pupil early reinstatement. The determination of the school district administrator or designee is final.

If a pupil violates an early reinstatement condition applicable after his or her early reinstatement but before the end of the term of expulsion, the school district administrator or a principal or teacher designated by the school district administrator may revoke the pupil's early reinstatement. Prior to revoking the early reinstatement, the school district administrator or his or her designee must advise the pupil of the reason for the proposed revocation, including the early reinstatement condition

Also, if a pupil is serving a term of expulsion on the effective date of the draft and the applicable expulsion order contains early reinstatement conditions which meet the requirements of the draft, the provisions of the draft relating to early reinstatement and revocation of early reinstatements apply to the order.

**SECTION 1.** 119.25 (2) (d) of the statutes is created to read:

2 119.25 (2) (d) 1. In this paragraph:

- a. "Early reinstatement" means the reinstatement to school of a pupil who has been expelled before the end of the term of expulsion specified in the pupil's expulsion order under par. (b).
- b. "Early reinstatement condition" means a condition that a pupil is required to meet before he or she will be granted early reinstatement or a condition that a pupil is required to meet after his or her early reinstatement but before the end of the term of the expulsion specified in the pupil's expulsion order under par. (b).
- 2. An independent hearing panel or independent hearing officer appointed by the board may specify one or more early reinstatement conditions in the expulsion order under par. (b). The early reinstatement conditions shall be related to the reasons for the pupil's expulsion. The determination of the independent hearing panel or independent hearing officer regarding whether an early reinstatement condition is related to the reasons for the pupil's expulsion may be appealed to the board as provided in par. (b). The decision of the board regarding that determination is final and not subject to appeal under that paragraph.
- 3. If the superintendent of schools or his or her designee, who shall be someone other than a principal, administrator or teacher in the pupil's school, determines that a pupil has met the early reinstatement conditions that he or she is required to meet before he or she may be granted early reinstatement, the superintendent of schools or designee may grant the pupil early reinstatement. The determination of the superintendent of schools or designee is final.

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- 3. The decision of a school board regarding that determination is final and not subject to appeal under par. (c) 3. or (e) 3.
- 3. If the school district administrator or his or her designee, who shall be someone other than a principal, administrator or teacher in the pupil's school, determines that a pupil has met the early reinstatement conditions that he or she is required to meet before he or she may be granted early reinstatement, the school district administrator or designee may grant the pupil early reinstatement. The determination of the school district administrator or designee is final.
- 4. If a pupil violates an early reinstatement condition applicable after his or her early reinstatement but before the end of the term of expulsion, the school district administrator or a principal or teacher designated by the school district administrator may revoke the pupil's early reinstatement. Prior to revoking the early reinstatement, the school district administrator or his or her designee shall advise the pupil of the reason for the proposed revocation, including the early reinstatement condition alleged to have been violated, provide the pupil an opportunity to present his or her explanation of the alleged violation and make a determination that the pupil violated the early reinstatement condition and that revocation of the early reinstatement is appropriate. If the school district administrator or designee determines to revoke the early reinstatement, the school district administrator or designee shall give prompt written notice of the revocation and the reason for the revocation, including the early reinstatement condition violated, to the pupil and, if the pupil is a minor, to the pupil's parent or guardian, and may exclude the pupil from school. Within 5 school days after the revocation, the pupil or, if the pupil is a minor, the pupil's parent or guardian may request a conference with the school district administrator or his or her designee, who shall be someone other than a principal, administrator or teacher in the pupil's school. If a conference is requested, it shall be held within 5 school days following the request. If, after the conference,

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(b) If a pupil is serving a term of expulsion on the effective date of this act and the applicable expulsion order contains one or more early reinstatement conditions as defined in section 119.25 (2) (d) 1. b. or 120.13 (1) (h) 1. b. of the statutes, as created by this act, which meet the requirements of section 119.25 (2) (d) 2. or 120.13 (1) (h) 2. of the statutes, as created by this act, section 119.25 (2) (d) 3., 4. and 5. or 120.13 (1) (h) 3., 4. and 5., as created by this act, shall apply to the order.

(END)



#### State of Misconsin 1999 - 2000 LEGISLATURE

WED

LRB-3490/P1
PG:...:mrc

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

PG: ya

grente

AN ACT ...; relating to: the conditional early reinstatement to school of a pupil

who has been expelled from school.

#### Analysis by the Legislative Reference Bureau

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

panel or independent hearing officer authorizes a school board, or independent hearing panel or independent hearing officer authorized by the school board to make expulsion decisions, to impose one or more early reinstatement conditions under which a pupil who is expelled from school may be reinstated to school pries to the end of the term condition. An early reinstatement condition may be: 11) a condition that a pupil is required to meet before he or she really be granted early reinstatement; or 22) a condition that a pupil is required to meet after his or her early reinstatement but before the end of the term of the expulsion specified in the pupil's expulsion order. The early reinstatement conditions must be related to the reasons for the pupil's expulsion and specified in the expulsion order.

The determination by an independent hearing panel or independent hearing officer regarding whether a reinstatement condition is related to the reasons for the pupil's expulsion may be appealed to the school board. The school board's decision regarding that determination is final.

If the school district administrator or his or her designee, who must be someone other than a principal, administrator or teacher in the pupil's school, determines that a

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15 Pt 15 Pt 16 Pt pupil has met the early reinstatement conditions that he or she must meet before being granted early reinstatement, the school district administrator or designee may grant the pupil early reinstatement. The determination of the school district administrator or designee is final.

If a pupil violates an early reinstatement condition manhicable after his or her early reinstatement but before the end of the term of expulsion, the school district administrator or a principal or teacher designated by the school district administrator may revoke the pupil's early reinstatement. Prior to revoking the early reinstatement, the school district administrator or his or her designee must advise the pupil of the reason for the proposed revocation, including the early reinstatement condition alleged to have been violated, provide the pupil an opportunity to present his or her explanation of the alleged violation and make a determination that the pupil violated the early reinstatement condition and that revocation of the early reinstatement is appropriate.

If the school district administrator or designee determines to revoke the early reinstatement, the school district administrator or designee must give prompt written notice of the revocation and the reason for the revocation, including the early reinstatement condition violated, to the pupil and, if the pupil is a minor, to the pupil's parent or guardian, and may exclude the pupil from school. Within a school days after the revocation, the pupil or, if the pupil is a minor, the pupil's parent or guardian may request a conference with the school district administrator or his or her designee, who shall be someone other than a principal, administrator or teacher in the pupil's school. If a conference is requested, it shall be held within a school days following the request.

If, after the conference, the school district administrator or his or her designee finds that the pupil did not violate an early reinstatement condition or that the revocation was inappropriate, the pupil shall he reinstated to school under the same reinstatement conditions as in the expulsion order and the early reinstatement revocation shall be expunged from the pupil's record.

If the school district administrator or his or her designee finds that the pupil violated an early reinstatement condition and that the revocation was appropriate, he or she must mail separate copies of the decision to the pupil and, if the pupil is a minor, to the pupil's parent or guardian.

The decision of the school district administrator or designee on the revocation is final.

If the pupil's early reinstatement is revoked, the pupil's expulsion shell continues to the end of the expulsion term specified in the expulsion order, unless the pupil or, if the pupil is a minor, the pupil's parent or guardian and the school board, independent hearing panel or independent hearing officer agree, in writing, to modify the expulsion order.

If a pupil is serving a term of expulsion on the effective date of this draft, the pupil or, if the pupil is a minor, the pupil's parent or guardian and the school board, independent hearing panel or independent hearing officer may agree, in writing, to modify the applicable expulsion order to incorporate one or more early reinstatement conditions which meets the requirements of this draft. If such modification is made, the provisions of the draft relating to early reinstatement and revocation of early reinstatements apply to the modified order.

Also, if a pupil is serving a term of expulsion on the effective date of the draft and the applicable expulsion order contains early reinstatement conditions which meet the requirements of the draft, the provisions of the draft relating to early reinstatement and revocation of early reinstatements apply to the order.

SECTION 1. 119.25 (2) (d) of the statutes is created to read:

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INSERTA

| 1  | 119.25 (2) (d) 1. In this paragraph:   |
|----|--|
| 2  | a. "Early reinstatement" means the reinstatement to school of a pupil who has  |
| 3  | become before the cond of the term of expulsion specified in the pupil's expulsion   |
| 4  | order under par. (b).  |
| 5  | b. "Early reinstatement condition" means a condition that a pupil is required  |
| 6  | to meet before he or she will be granted early reinstatement or a condition that a   |
| 7  | pupil is required to meet after his or her early reinstatement but before the end/of   |
| 8  | the term of the expulsion specified in the pupil's expulsion order under par. (b).   |
| 9  | 2. An independent hearing panel or independent hearing officer appointed by  |
| 10 | the board may specify one or more early reinstatement conditions in the expulsion  |
|    | order under par. (b) The early reinstatement conditions shall be related to the  |
| 12 | reasons for the pupil's expulsion. The determination of the independent hearing  |
| 13 | change or independent hearing officer regarding whether an early reinstatement   |
| 14 | condition is related to the reasons for the pupil's expulsion may be expected to the   |
| 15 | board consideration The decision of the board regarding that determination   |
| 16 | is final and not subject to appeal under that paragraph.   |
| 17 | 3. If the superintendent of schools or his or her designee, who shall be someone   |
| 18 | other than a principal, administrator or teacher in the pupil's school, determines that  |
| 19 | a pupil has met the early reinstatement conditions that he or she is required to meet  |
| 20 | before he or she may be granted early reinstatement, the superintendent of schools   |
| 21 | or designee may grant the pupil early reinstatement. The determination of the  |
| 22 | superintendent of schools or designee is final.  that the pupil was  |
| 23 | superintendent of schools or designee is final.  4. If a pupil violates an early reinstatement condition applicable after his or her |
| 24 | early reinstatement but before the end of the term of expulsion, the superintendent  |
|    | expiration   |

| 1         | of schools or a principal or teacher designated by the superintendent of schools may           |
|-----------|--|
| 2         | revoke the pupil's early reinstatement as provided in s. 120.13 (1) (h) 4.                     |
| 3         | 5. If the pupil's early reinstatement is revoked under subd. 4., the pupil's                   |
| 4         | expulsion shall continue to the expulsion order ounless  |
| 5         | the pupil or, if the pupil is a minor, the pupil's parent or guardian and the board,           |
| 6         | independent hearing panel or independent hearing officer agree, in writing, to                 |
| 7         | modify the expulsion order.  |
| 8         | SECTION 2. 120.13 (1) (h) of the statutes is created to read:                                  |
| 9         | 120.13 (1) (h) 1. In this paragraph:   |
| 10        | a. "Early reinstatement" means the reinstatement to school of a pupil who has                  |
| 11        | been expelled before the explored for the term of expulsion specified in the pupil's expulsion |
| 12        | order under par. (c) 3. or (e) 3.  |
| 13        | b. "Early reinstatement condition" means a condition that a pupil is required                  |
| 14        | to meet before he or she may be granted early reinstatement or a condition that a              |
| 15        | pupil is required to meet after his or her early reinstatement but before the and of           |
| 16        | the term of the expulsion specified in the pupil's expulsion order under par. (c) 3. or        |
| <b>17</b> | (e) 3.   |
| 18        | 2. A school board, or an independent hearing panel or independent hearing                      |
| 19        | officer acting under par. (e), may specify one or more early reinstatement conditions          |
| 20        | in the expulsion order under par. (c) 3. or (e) 3. The early reinstatement conditions          |
| <b>21</b> | shall be related to the reasons for the pupil's expulsion. The determination of an             |
| 22        | independent hearing officer or independent hearing panel regarding whether an                  |
| 23        | early reinstatement condition is related to the reasons for the pupil's expulsion may          |

paraported to the school board as a school board. The decision of a school board

regarding that determination is final and not subject to appeal trader part (c) 8 or (c)

3. If the school district administrator or his or her designee, who shall be someone other than a principal, administrator or teacher in the pupil's school, determines that a pupil has met the early reinstatement conditions that he or she is required to meet before he or she may be granted early reinstatement, the school district administrator or designee may grant the pupil early reinstatement. The determination of the school district administrator or designee is final.

4. If a pupil violates an early reinstatement condition applicable after his or her early reinstatement but before the ention of the term of expulsion, the school district administrator or a principal or teacher designated by the school district administrator may revoke the pupil's early reinstatement. Prince revoking the early reinstatement, the school district administrator or his or her designee shall advise the pupil of the reason for the proposed revocation, including the early reinstatement condition alleged to have been violated, provide the pupil an opportunity to present his or her explanation of the alleged violation and make a determination that the pupil violated the early reinstatement condition and that revocation of the early reinstatement is appropriate. If the school district administrator or designee the revokation are revokative to revokative the early reinstatement, the school district administrator or designee shall give prompt written notice of the revocation and the reason for the revocation, including the early reinstatement condition violated, to the pupil and, if the pupil is a minor, to the pupil's parent or guardiant.

the pupil from school. Within 5 school days after the revocation, the pupil or, if the pupil is a minor, the pupil's parent or guardian may request a conference with the school district administrator or his or her designee, who shall be

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P. 6

reinstatement under subdivite

someone other than a principal, administrator or teacher in the pupil's school. If a conference is requested, it shall be held within 5 school days following the request. If, after the conference, the school district administrator or his or her designee finds that the pupil did not violate an early reinstatement condition or that the revocation was inappropriate, the pupil shall be reinstated to school under the same reinstatement conditions as in the expulsion order and the early reinstatement revocation shall be expunged from the pupil's record. If the school district administrator or his or her designee finds that the pupil violated an early reinstatement condition and that the revocation was appropriate, he or she shall mail separate copies of the decision to the pupil and, if the pupil is a minor, to the pupil's parent or guardian. The decision of the school district administrator or his or her designee is final.

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55. If a pupil's early reinstatement is revoked under subd. 4., the pupil's expulsion shall continue to the end of the term of the expulsion specified in the expulsion order unless the pupil or, if the pupil is a minor, the pupil's parent or guardian and the school board, independent hearing panel or independent hearing officer agree, in writing, to modify the expulsion order.

SECTION 3. Initial applicability.

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(1) The treatments of sections 119.25 (2) (d) and 120.13 (1) (h) of the statutes subsection first applies of expulsion orders issued on the effective date of this part, except as follows:

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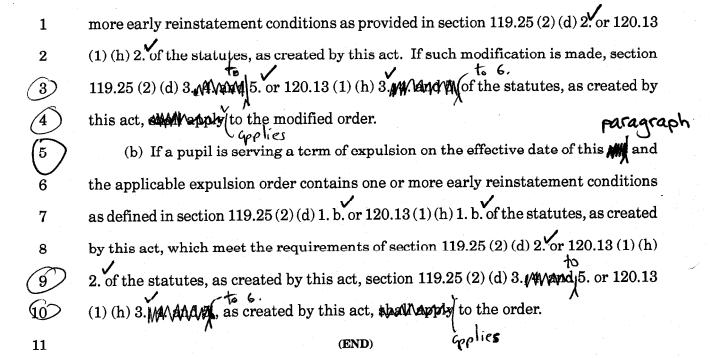
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(a) If a pupil is serving a term of expulsion on the effective date of this pupil, the pupil or, if the pupil is a minor, the pupil's parent or guardian and the board of school directors, school board, independent hearing panel or independent hearing officer may agree, in writing, to modify the applicable expulsion order to incorporate one or



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regarding that determination is final and not subject to appeal under par. (c) 3. or (e) 3.

- 3. If the school district administrator or his or her designee, who shall be someone other than a principal, administrator or teacher in the pupil's school, determines that a pupil has met the early reinstatement conditions that he or she is required to meet before he or she may be granted early reinstatement, the school district administrator or designee may grant the pupil early reinstatement. The determination of the school district administrator or designee is final.
- 4. If a pupil violates an early reinstatement condition applicable after his or her early reinstatement but before the end of the term of expulsion, the school district administrator or a principal or teacher designated by the school district administrator may revoke the pupil's early reinstatement. Prior to revoking the early reinstatement, the school district administrator or his or her designee shall advise the pupil of the reason for the proposed revocation, including the early reinstatement condition alleged to have been violated, provide the pupil an opportunity to present his or her explanation of the alleged violation and make a determination that the pupil violated the early reinstatement condition and that revocation of the early reinstatement is appropriate. If the school district administrator or designee determines to revoke the early reinstatement, the school district administrator or designee shall give prompt written notice of the revocation and the reason for the revocation, including the early reinstatement condition violated, to the pupil and, if the pupil is a minor, to the pupil's parent or guardian, and may exclude the pupil from school, Within 5 school days after the revocation, the pupil or, if the pupil is a minor, the pupil's parent or guardian may request a conference with the school district administrator or his or her designee, who shall be

superintendent of schools of a pupils early reinstatement under subd.

(4-1:2)

someone other than a principal, administrator or teacher in the pupil's school. If a conference is requested, it shall be held within 5 school days following the request.

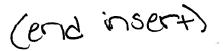
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If, after the conference, the school district administrator or his or her designee finds that the pupil did not violate an early reinstatement condition or that the revocation was inappropriate, the pupil shall be reinstated to school under the same reinstatement conditions as in the expulsion order and the early reinstatement revocation shall be expunged from the pupil's record. If the school district administrator or his or her designee finds that the pupil violated an early reinstatement condition and that the revocation was appropriate, he or she shall mail separate copies of the decision to the pupil and, if the pupil is a minor, to the pupil's parent or guardian. The decision of the school district administrator or his or her designee is final.

5. If a pupil's early reinstatement is revoked under subd. 4., the pupil's expulsion shall continue to the end of the term of the expulsion specified in the expulsion order, unless the pupil or, if the pupil is a minor, the pupil's parent or guardian and the school board, independent hearing panel or independent hearing officer agree, in writing, to modify the expulsion order.

#### SECTION 3. Initial applicability.

- (1) The treatments of sections 119.25 (2) (d) and 120.13 (1) (h) of the statutes first apply to expulsion orders issued on the effective date of this act, except as follows:
- (a) If a pupil is serving a term of expulsion on the effective date of this act, the pupil or, if the pupil is a minor, the pupil's parent or guardian and the board of school directors, school board, independent hearing panel or independent hearing officer may agree, in writing, to modify the applicable expulsion order to incorporate one or



# STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU - LEGAL SECTION (608–266–3561)

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# SUBMITTAL FORM

# LEGISLATIVE REFERENCE BUREAU Legal Section Telephone: 266-3561 5th Floor, 100 N. Hamilton Street

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 09/01/1999 To: Representative Olsen Relating to LRB drafting number: LRB-3490 Topic Reinstatement conditions for expelled pupils Subject(s) Education - school boards 1. JACKET the draft for introduction (check only one). Only the requester under whose name the in the Senate \_\_\_\_ or the Assembly drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies. 2. **REDRAFT.** See the changes indicated or attached A revised draft will be submitted for your approval with changes incorporated. 3. Obtain FISCAL ESTIMATE NOW, pric to introduction the analysis indicates that
creases or decreases or decre required because the proposal makes an appropriation or state or general local government fiscal liability or stimate prior to introduction. If you choose to fiscal estimate will be requested automatically upon mate. Requesting the fiscal estimate prior to of the proposal. e call 266-3561. If you have any questions If you have any relating to the atta

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